

## **REMARKS**

Claims 1 and 18 have been amended. Claims 1-45 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### **Double Patenting Rejection:**

The Examiner rejected claims 1-5, 18, 19, 24-27 and 29-31 under the judiciary created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5, 15-17, 22-26, 38-40, 44-49, 53-55, 59-62, 68, 69, 73-75 and 79-81 of U.S. Application No. 10/783,738. The instant application and the 10/783,738 application are both pending patent applications, not issued patents. If and/or when this rejection becomes non-provisional, Applicants will consider filing a terminal disclaimer or present reasons traversing the rejection.

### **Objection to Claims 1-28:**

The Examiner objected to claims 1-28 for informalities. Specifically, the Examiner submits that claims 1 and 18 may read on a mental process or the manipulation of an abstract idea. The Examiner suggests these claims be amended to recite, “A computer implemented method for determining.” As indicated above, claims 1 and 18 have been amended as suggested by the Examiner. Accordingly, Applicants respectfully request removal of the objection to claims 1-28.

### **Section 103(a) Rejections:**

The Examiner rejected claims 1, 2, 4, 5, 14, 17, 36, 38, 40, 41, 43 and 45 under 35 U.S.C. § 103(a) as being unpatentable over Suri, et al. (“Strong Mobility and Fine-Grained Resource Control in NOMADS”) (hereinafter “Suri”) in view of Bose et al. (U.S. Patent 7,366,134) (hereinafter “Bose”) and further in view of Ramamurthy et al. (U.S. Patent 7,080,077) (hereinafter “Ramamurthy”), claims 18-20, 24, 25, 27, 29, 30, 31

and 33 as being unpatentable over Suri in view of Ramamurthy, claims 6 and 7 as being unpatentable over Suri in view of Bose and Ramamurthy, and further in view of Czajkowski, et al. (“Jres: A Resource Accounting Interface for Java”) (hereinafter “Czajkowski”), claim 8 as being unpatentable over Suri in view of Bose, Ramamurthy, and Czajkowski, and in further view of Chambliss, et al. (U.S. Patent 7,228,354) (hereinafter “Chambliss”), claims 9-12, 37 and 42 as being unpatentable over Suri in view of Bose, Ramamurthy, and Chambliss, claims 21, 23, 32 and 34 as being unpatentable over Suri in view of Ramamurthy and Chambliss, claims 3 and 44 as being unpatentable over Suri in view of Bose and Ramamurthy, and further in view of Courtrai, et al. (“Resource Management for Parallel Adaptive Components”) (hereinafter “Courtrai”), claim 13 as being unpatentable over Suri in view of Bose, Ramamurthy, and Chambliss, and further in view of Belissent (WO 02/01834 12), claims 22 and 35 as being unpatentable over Suri in view of Ramamurthy, Chambliss, and Belissent, and claims 15, 16 and 39 as being unpatentable over Suri in view of Bose, Ramamurthy, and Belissent. Applicants respectfully traverse these rejections for at least the following reasons.

Regarding claim 1, contrary to the Examiner’s assertion, the cited art fails to teach or suggest *wherein the consume request is from one of a plurality of resource consuming isolates bound to a resource domain for the requested resource and wherein the resource domain associates the resource policy for the requested resource with the plurality of resource consuming isolates bound to the resource domain*. On pp. 5-6 of the Final Action, the Examiner admits that the combined teaching of Suri and Bose does not explicitly teach these limitations and relies on Ramamurthy to teach them. The Examiner submits that these limitations are taught in col. 18, lines 26-38. This passage of Ramamurthy describes the use of a policy domain cache for storing rules for each policy domain, including default and resource-specific rules associated with resources in a given policy domain (e.g., authentication, authorization, and auditing rules). Other portions of Ramamurthy describe that these authentication rules may include access rules for various users of the resources. **However, nothing in this passage, or elsewhere in Ramamurthy, teaches or suggests resource consuming isolates bound to a resource**

domain for the requested resource or wherein the resource domain associates the resource policy for the requested resource with the plurality of resource consuming isolates bound to the resource domain. Instead, as noted above, the rules of a policy domain may be specific to resources or to users. For example, the policy domains of Ramamurthy are described this way (in col. 10, lines 9-18), “A policy domain is a logical grouping of Web Server host ID's, host names, URL prefixes, and rules. Host names and URL prefixes specify the course-grain portion of the web name space a given policy domain protects. Rules specify the conditions in which access to requested resources is allowed or denied, and to which end users these conditions apply. Policy domains contain two levels of rules: first level default rules and second level rules contained in policies. First level default rules apply to any resource in a policy domain not associated with a policy.” Applicants assert that Ramamurthy clearly fails to suggest binding resource consuming isolates to a resource domain, and associating a resource policy with resource consuming isolates bound to the resource domain, as required by Applicants’ claim.

Furthermore, the Examiner has not stated a proper reason to combine the teachings of the cited art. The Examiner asserts that it would have been obvious to combine the teachings of Suri, Bose, and Ramamurthy “because Ramamurthy teaching of source domain associates the resource policy for the requested resource with the plurality of resource consuming isolates bound to the resource domain would improve system performance and efficiency in resource usage based on set policy to protect the system from greedy resource consumers and bottlenecks.” **Applicants assert that the Examiner’s remarks are completely unsupported in the references themselves or by any other evidence of record.** First, as discussed above, Ramamurthy does not teach resource domains associating resource policies with resource consuming isolates bound to the resource domain. In addition, there is nothing in the evidence of record that teaches or suggests that incorporating the policy domain of Ramamurthy into a system taught by Suri and Bose would improve system performance and efficiency in resource usage, as suggested by the Examiner. A system taught by Suri and Bose would already include, for example, implementation of and enforcement of various resource limits (see,

e.g., Suri, p. 7, section 3.2) that could be used to “protect the system from greedy resource consumers and bottlenecks.” **The Examiner’s suggestion that the policy domains of Ramamurthy would improve the performance of such a system is nothing but pure unsupported speculation.**

Applicants respectfully remind the Examiner that to establish a *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. As discussed above, the cited art fails to teach or suggest the resource domain of Applicants’ claim, according to the limitations recited therein. In addition, as discussed above, the Examiner has not stated a valid reason to combine the references. Accordingly, the Examiner has failed to establish a *prima facie* case of obviousness.

For at least the reasons above, the rejection of claim 1 is unsupported by the cited art and removal thereof is respectfully requested.

Claims 36 and 41 include limitations similar to those discussed above and were rejected for the same reasons. Therefore, the arguments presented above apply with equal force to these claims, as well.

Regarding claim 18, contrary to the Examiner’s assertion, the cited art fails to teach or suggest *managing consume requests for a resource from a plurality of computations that consume the resource and that are bound to a resource domain for the resource and wherein the resource domain associates the resource policy for the resource with the plurality of computations bound to the resource domain*. The Examiner admits that Suri does not teach these limitations and relies on Ramamurthy to teach them, again citing col. 18, lines 26-38. However, as discussed above in remarks directed to claim 1, Ramamurthy clearly fails to suggest binding resource consuming computations to a resource domain, and associating a resource policy with computations bound to the resource domain, as required by Applicants’ claim.

The Examiner repeats his remarks from claim 1 concerning his reasoning for combining the teachings of Suri and Ramamurthy. However, as discussed above, the Examiner's stated reason to combine the references is completely unsupported by the references and amounts to nothing but pure speculation.

For at least the reasons above, the rejection of claim 18 is unsupported by the cited art and removal thereof is respectfully requested.

Claim 29 includes limitations similar to those discussed above and was rejected for the same reasons. Therefore, the arguments presented above apply with equal force to this claim, as well.

Applicants assert that numerous ones of the dependent claims recite further distinctions over the cited art. Applicants traverse the rejection of these claims for at least the reasons given above in regard to the claims from which they depend. Since the rejections have been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time. Applicants reserve the right to present additional arguments.

## **CONCLUSION**

Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/6000-33300/RCK.

Respectfully submitted,

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